



LOCAL 3911
American Federation of Government Employees
U. S. Environmental Protection Agency
290 Broadway, 23rd Floor
New York, NY 10007-1866
Phone: 212-637-3303 Fax: 212-637-4944

January 6, 2015

National Freedom of Information Officer
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW (2822T)
Washington, DC 20460
(202) 566-1667

Dear FOIA Officer:

AFGE Local 3911 is a nonprofit labor organization organized under Section 501(c)5 of the tax code and functions for the betterment of conditions of those engaged in the pursuits of labor, the improvement of the grade of our products, and the development of a higher degree of efficiency in our respective occupations. On behalf of the American Federation of Government Employees (AFGE) Local 3911 please provide us the following:

1. Documents, instructional material, and briefing papers or their equivalent in 2014 that facilitate conversations about work schedule flexibilities, where each agency shall review, and if necessary amend or establish, procedures within 120 days of the June 23, 2014 Presidential Memorandum -- [Enhancing Workplace Flexibilities and Work-Life Program](#) (see Section 1(b) of same memorandum)

This request for information and records is severable. AFGE requests that if EPA withholds any portion of this request or if EPA claims that any portion of the information or records requested herein are unavailable, EPA should nevertheless promptly provide AFGE with all requested information and records that EPA does not intend to sanitize or withhold, and that EPA concedes are available. Put another way, if EPA claims that certain information and/or records are not subject to disclosure or are exempt from disclosure under FOIA, AFGE requests: 1) that EPA promptly disclose any segregable portion of the information and/records sought; 2) that EPA indicate the amount of information withheld on the record; and 3) that EPA provide a detailed justification for each exemption claimed. In this vein, if EPA sanitizes any portion of the information and records provided to the Union as a result of this request or if EPA denies a portion of this request, the AFGE requests that EPA provide AFGE with a Vaughn Index. See *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973), cert. denied, 415 U.S. 977 (1974). The index should: (1) identify each document withheld; (2) state the statutory exemption claimed; and (3) explain how disclosure would damage the interests protected by the claimed exemption. *Citizens Comm'n on Human Rights v. FDA*, 45 F.3d 1325, 1326 n. 1 (9th Cir. 1995).

AFGE hereby requests a complete fee waiver pursuant to 5 U.S.C. §552(a)(4)(A)(iii) and 28 C.F.R. § 16. 11 (k). AFGE has no commercial interest whatsoever in the information and records

sought. AFGE requests the information and records above in order to fulfill its statutory obligations as the certified exclusive representative of effected bargaining unit members who are federal civilian employees, and to keep bargaining unit members advised regarding those plans agencies may implement in the event of a government shutdown. AFGE has no financial interest in seeking the information and records sought above nor does AFGE have any financial interest in the information and records themselves.

Further, AFGE maintains that production of the information and records requested herein is in the public interest. AFGE is the largest labor organization representing federal employees and our functions include broad dissemination of public information obtained under open records and freedom of information laws. The circumstances surrounding this request debates Federal Workplace Flexibilities and Work-Life Program and the operations or activities of the government. As noted in the June 23, 2014, Presidential Memorandum : "To attract, empower, and retain a talented and productive workforce in the 21st century, the Federal Government must continue to make progress in enabling employees to balance their responsibilities at work and at home" [future tense]. Therefore, the public's understanding of the subject in question, as compared to the level of public understanding existing prior to the disclosure, will be enhanced significantly by the disclosure. Disclosure will likely to contribute to an increased public understanding of those operations or activities since this request is for documents that are products of the same Memorandum that directs the EPA to review, and if necessary amend or establish, procedures. Therefore, the requested information contribute significantly to public understanding of the operation or activities of the government, see *Judicial Watch v. Rosotti*, 326 F. 3d 1309, 1314 (D.C. Cir. 2003). We intend to disseminate the information gathered by this request to the public at large and at no cost through one or more of the following: internet; meetings; emails and newsletters; opinion pieces in newspapers or magazines; and in-house publications for public dissemination.

AFGE does not object to receiving the above materials via electronic mail or disc in a commonly available electronic format, such as in Microsoft Word, Portable Document File format, and scanned images.

Finally, in the event that EPA seeks clarification of this request or any portion thereof, please contact the undersigned as provided below.

Sincerely,

A handwritten signature in black ink, appearing to read 'Antony Tseng', with a stylized flourish at the end.

Antony Tseng, Executive Vice President
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(845) 224-5146

<http://laborweb.afge.org/sites/EPA/L3911>

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